THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3837 of 2007

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings dated 30.1.2007 issued by the first respondent selecting the third respondent as Anganwadi worker of Sanjeevapalli village as arbitrary and illegal.

It is the grievance of the petitioner that the third respondent was appointed as Angwandi worker without possessing requisite qualifications as per the notification. It is her contention that third respondent is neither a resident of the village nor possess the requisite educational qualification. In fact the nativity certificate produced by third respondent was not issued by proper authority. Therefore, the respondents ought not to have taken into consideration of such nativity/residential certificate. The petitioner being native of the village and possessing requisite educational qualifications i.e. 10^{th} class etc., is fully qualified and eligible to be appointed as Anganwadi worker. In spite of this, the official respondents have denied appointment to the petitioner to the post of Anganwadi worker.

Though the official respondents have filed counter, but the same does not lead us to anywhere. The facts are not properly brought out and there is inconsistency in the stand taken by the respondents. However, the third respondent had categorically asserted that she is more qualified than the petitioner and the certificate obtained by her as to her residential status is proper and valid, therefore, no interference is called for by this Court under Article 226 of the Constitution of India.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned orders and other material made available on record.

The issue that arises for consideration in this writ petition is as to whether the third respondent possesses educational qualifications and the nativity/residential certificates produced by her is genuine. I am of the

opinion that these are all disputed questions of fact, which cannot be gone into by this Court under Article 226 of the Constitution of India. However, the petitioner cannot be left without any remedy.

Under those circumstances, without expressing any opinion on merits, the petitioner is directed to file a detailed representation before the first respondent along with necessary documentary evidence. On filing such application, the first respondent shall entertain the same and cause an enquiry after putting the third respondent on notice and hear them personally, if necessary, and pass appropriate orders as per law as to the eligibility of third respondent for appointment to the post of Anganwadi worker, within a period of six weeks from the date of receipt of a copy of this order. Till such time, the third respondent, who was already appointed, shall continue to work.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 20.12.2007

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.3837 of 2007

20.12.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.3837 of 2007

Date: 20th December, 2007

Between:

Smt.K.Nirmalamma

.. Petitioner

And

The District Collector/Chairman,
District Level Selection Committee,
Anantapur, Anantapur District & others.

.. Respondents